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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,990	10/04/2001	Stephen William Edge	2001P14495US	4570
7590	01/04/2006		EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			TIEU, BINH KIEN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/971,990	EDGE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	BINH K. TIEU	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 November 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Krasner (U.S. Pat. #: 5,945,944 *as cited in the previous Office Action*).

Regarding claim 1, Krasner teaches a method for updating timing information in a wireless communication network (i.e., GPS Base station 117 shown in figure 3 updating timing information to each of cell sites 306), comprising:

detecting, at a mobile unit in an area serviced by a base station (i.e., combined mobile unit 100 as shown in figure 1 or mobile unit 302 as shown in figure 3), signal data containing accurate timing information, said signal data received from a source other than a base station (i.e., received GPS signal from at least one of satellite, col.5, lines 3-11);

deriving accurate timing information from said signal data (col.10, lines 10-27);

generating association data associating said accurate timing information with base station timing information maintained by said base station (col.10, line 66 through col.11, line 29; col.12, lines 36-64 and col.13, lines 38-55); and

updating network timing information for said base station using said associated data (i.e., network timing information of base stations being maintained and updated by GPS base station 117; col.16, lines 48-53).

Regarding claims 2-4, note col.16, lines 7-16 and lines 44-53.

Regarding claims 5-7, note col.5, lines 3-11; col.10, lines 10-24.

Regarding claims 8-16, note col.15, line 31 through col.16, line 54

Regarding claims 17-25, the claims are rejected with the same reasons set forth in claims 1-16 above.

#### *Response to Arguments*

3. Applicant's arguments filed 11/18/2005 have been fully considered but they are not persuasive.

In response to the Applicants' arguments stated page 8 wherein the Applicants stated as follows:

*“...it should be clear that Krasner discloses receiving a signal including timing information from a base station, a base station that services the GPS/communication receiver thereof. That is, Krasner does not disclose or suggest that accurate timing information is received from a source other than a base station but instead discloses that the source of the timing information is a base station...”*

Applicants argued above is one of the embodiments disclosed in teachings of Krasner Patent. However, Krasner also teaches in *another embodiment* that, in some cellular systems, absolute time or timing information is *not coordinated* from one cell site to the next (i.e., timing information is not available at the serving base station), *the timing information is received from*

series of cellular telephones served by the same cellular switching center (col.16, lines 38-53).

Therefore, it is clearly to understand that Krasner teaches steps of the method including the steps of receiving timing information from the GPS base station and from series of cellular telephones which are sources other than a base station, as argued by the Applicants.

**THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**  
**Box AF**  
**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**  
**Or faxed to:**  
**(703) 872-9314 or (571) 273-8300 (for formal communications; please mark "EXPEDITED PROCEDURE")**  
**Or:**  
**If it is an informal or draft communication, please label "PROPOSED" or "DRAFT")**  
Hand Carry Deliveries to:  
Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BINH TIEU  
PRIMARY EXAMINER

Art Unit 2643

Date: December 30, 2005